

AMENDED IN ASSEMBLY MAY 14, 2013

AMENDED IN ASSEMBLY APRIL 23, 2013

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 354

Introduced by Assembly Member Dahle

February 13, 2013

An act to amend Sections ~~303~~, 303.5, 9051, 9160, 9280, 9313, ~~and~~ 9314, *and* 9500 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 354, as amended, Dahle. Ballot measures: ballot title and summary: ~~ballot label~~: impartial analysis.

Under existing law, a statewide ballot measure may be placed on the ballot at a statewide election by a petition signed by the requisite number of voters or by the Legislature. Existing law requires the Attorney General to provide a ballot title and summary and ballot label for each ballot measure submitted to the voters at a statewide election. Existing law defines a ballot title and summary as a summary of the chief purpose and points of, including a summary of the fiscal impact of, a statewide ballot measure. ~~Existing law requires a ballot label for a statewide ballot measure to be a condensed version of the ballot title and summary, including the fiscal impact summary.~~

This bill would require the ballot title and summary ~~and ballot label~~ for a statewide ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the Legislature.

Under existing law, a county, city, or district ballot measure may be placed on the ballot at the county, city, or district election by a petition signed by the requisite number of voters or by the county board of supervisors, the governing body of the city, or the governing body of the district, respectively. Whenever a county, city, or district measure qualifies for a place on the ballot, existing law requires the county counsel or city attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a county, city, or district ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the county board of supervisors, city governing body, or district governing body, respectively.

Under existing law, a ballot measure may be placed on the ballot at a school district election by the governing board of the school district. Whenever a school district ballot measure is placed on the ballot, existing law requires the county counsel or district attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

This bill would require the impartial analysis for a school district ballot measure to include a statement indicating that the measure was placed on the ballot by the governing board of the school district.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 303 of the Elections Code is amended to~~
2 ~~read:~~
3 ~~303. “Ballot label” means that portion of the ballot containing~~
4 ~~the names of the candidates or a statement of a measure. For each~~
5 ~~statewide measure, the ballot label shall contain no more than 75~~
6 ~~words and shall be a condensed version of the ballot title and~~
7 ~~summary, including a statement indicating whether the measure~~
8 ~~was placed on the ballot by petition or by the Legislature and the~~
9 ~~fiscal impact summary prepared pursuant to Section 9087 of this~~
10 ~~code and Section 88003 of the Government Code.~~

~~SEC. 2.~~

SECTION 1. Section 303.5 of the Elections Code is amended to read:

303.5. (a) “Ballot title” means the name of a statewide measure included in the ballot label and the ballot title and summary.

(b) “Ballot title and summary” means the summary of the chief purpose and points of, including the fiscal impact summary of, a measure that appears in the state ballot pamphlet. The ballot title and summary shall include a statement indicating whether the measure was placed on the ballot by petition or by the Legislature and a summary of the measure’s fiscal impact. The ballot title and summary shall not exceed 100 words, not including the fiscal impact summary.

(c) (1) “Circulating title and summary” means the text that is required to be placed on a petition for signatures that is either one of the following:

(A) The summary of the chief purpose and points of a proposed initiative measure that affects the Constitution or laws of the state, and the fiscal impact of the proposed initiative measure.

(B) The summary of the chief purpose and points of a referendum measure that affects a law or laws of the state.

(2) The circulating title and summary shall not exceed 100 words, not including the fiscal impact summary.

~~SEC. 3.~~

SEC. 2. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact summary. The ballot title and summary shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the Legislature.

(2) The ballot title and summary shall be amended to include a summary of the Legislative Analyst’s estimate of the net state and local government fiscal impact prepared pursuant to Section 9087 of this code and Section 88003 of the Government Code.

(b) The ballot label shall contain no more than 75 words and shall be a condensed version of the ballot title and summary, including a statement indicating whether the measure was placed on the ballot by petition or by the Legislature and the financial

1 impact summary prepared pursuant to Section 9087 of this code
2 and Section 88003 of the Government Code.

3 (c) In providing the ballot title and summary, the Attorney
4 General shall give a true and impartial statement of the purpose
5 of the measure in such language that the ballot title and summary
6 shall neither be an argument, nor be likely to create prejudice, for
7 or against the proposed measure.

8 ~~SEC. 4.~~

9 *SEC. 3.* Section 9160 of the Elections Code is amended to read:

10 9160. (a) Whenever a county measure qualifies for a place on
11 the ballot, the county elections official shall transmit a copy of the
12 measure to the county auditor and to the county counsel or to the
13 district attorney in a county that has no county counsel.

14 (b) The county counsel or district attorney shall prepare an
15 impartial analysis of the measure showing the effect of the measure
16 on the existing law and the operation of the measure. The analysis
17 shall include a statement indicating whether the measure was
18 placed on the ballot by a petition signed by the requisite number
19 of voters or by the board of supervisors. The analysis shall be
20 printed preceding the arguments for and against the measure. The
21 analysis may not exceed 500 words in length.

22 In the event the entire text of the measure is not printed on the
23 ballot, nor in the voter information portion of the sample ballot,
24 there shall be printed immediately below the impartial analysis,
25 in no less than 10-point boldface type, a legend substantially as
26 follows:

27 “The above statement is an impartial analysis of Ordinance or
28 Measure _____. If you desire a copy of the ordinance or measure,
29 please call the elections official’s office at (insert telephone
30 number) and a copy will be mailed at no cost to you.”

31 The elections official may, at his or her discretion, add the
32 following message: “You may also access the full text of the
33 measure on the county Web site at the following Web site address
34 (insert Web site address).”

35 (c) Not later than 88 days prior to an election that includes a
36 county ballot measure, the board of supervisors may direct the
37 county auditor to review the measure and determine whether the
38 substance thereof, if adopted, would affect the revenues or
39 expenditures of the county. He or she shall prepare a fiscal impact
40 statement which estimates the amount of any increase or decrease

1 in revenues or costs to the county if the proposed measure is
2 adopted. The fiscal impact statement is “official matter” within
3 the meaning of Section 13303, and shall be printed preceding the
4 arguments for and against the measure. The fiscal impact statement
5 may not exceed 500 words in length.

6 ~~SEC. 5.~~

7 *SEC. 4.* Section 9280 of the Elections Code is amended to read:

8 9280. Whenever a city measure qualifies for a place on the
9 ballot, the governing body may direct the city elections official to
10 transmit a copy of the measure to the city attorney, unless the
11 organization or salaries of the office of the city attorney are
12 affected. The city attorney shall prepare an impartial analysis of
13 the measure showing the effect of the measure on the existing law
14 and the operation of the measure. The analysis shall include a
15 statement indicating whether the measure was placed on the ballot
16 by a petition signed by the requisite number of voters or by the
17 governing body of the city. If the measure affects the organization
18 or salaries of the office of the city attorney, the governing board
19 may direct the city elections official to prepare the impartial
20 analysis. The analysis shall be printed preceding the arguments
21 for and against the measure. The analysis shall not exceed 500
22 words in length.

23 In the event the entire text of the measure is not printed on the
24 ballot, nor in the voter information portion of the sample ballot,
25 there shall be printed immediately below the impartial analysis,
26 in no less than 10-point bold type, a legend substantially as follows:

27 “The above statement is an impartial analysis of Ordinance or
28 Measure _____. If you desire a copy of the ordinance or measure,
29 please call the elections official’s office at (insert telephone
30 number) and a copy will be mailed at no cost to you.”

31 ~~SEC. 6.~~

32 *SEC. 5.* Section 9313 of the Elections Code is amended to read:

33 9313. Except as provided in Section 9314, whenever a district
34 measure is submitted to the voters, the district elections official
35 shall transmit a copy of the measure to the county counsel, or to
36 the district attorney if there is no county counsel, of the county
37 that contains the largest number of registered voters of the district.
38 The county counsel or district attorney shall prepare an impartial
39 analysis of the measure showing the effect of the measure on the
40 existing law and the operation of the measure. The analysis shall

1 include a statement indicating whether the measure was placed on
2 the ballot by a petition signed by the requisite number of voters
3 or by the governing body of the district. The analysis shall be
4 printed preceding the arguments for and against the measure. The
5 analysis shall not exceed 500 words in length.

6 In the event the entire text of the measure is not printed on the
7 ballot nor in the voter information portion of the sample ballot,
8 there shall be printed immediately below the impartial analysis,
9 in no less than 10-point bold type, a legend substantially as follows:

10 “The above statement is an impartial analysis of Ordinance or
11 Measure _____. If you desire a copy of the ordinance or measure,
12 please call the district elections official’s office at (insert telephone
13 number) and a copy will be mailed at no cost to you.”

14 ~~SEC. 7.~~

15 *SEC. 6.* Section 9314 of the Elections Code is amended to read:

16 9314. (a) Whenever a district measure is submitted to the
17 voters of a water district, the district elections official shall transmit
18 a copy of the measure to the legal counsel for the water district,
19 or to the county counsel if there is no legal counsel for the water
20 district, of the county that contains the largest number of registered
21 voters of the water district. Except as otherwise provided in
22 subdivision (b), if there is a legal counsel for the water district, he
23 or she shall prepare, subject to review and revision by the county
24 counsel, an impartial analysis of the measure showing the effect
25 of the measure on the existing law and the operation of the
26 measure. The analysis shall include a statement indicating whether
27 the measure was placed on the ballot by a petition signed by the
28 requisite number of voters or by the governing body of the water
29 district. The analysis shall be printed preceding the arguments for
30 and against the measure. The analysis shall not exceed 500 words
31 in length.

32 In the event the entire text of the measure is not printed on the
33 ballot nor in the voter information portion of the sample ballot,
34 there shall be printed immediately below the impartial analysis,
35 in no less than 10-point bold type, a legend substantially as follows:

36 “The above statement is an impartial analysis of Ordinance or
37 Measure _____. If you desire a copy of the ordinance or measure,
38 please call the district elections official’s office at (insert telephone
39 number) and a copy will be mailed at no cost to you.”

1 (b) If there is no legal counsel for the water district, or if the
2 legal counsel for the water district and the county counsel so agree,
3 the county counsel shall prepare the impartial analysis.

4 (c) As used in this section:

5 (1) “Legal counsel for the water district” means the attorney
6 designated under the district’s conflict of interest code as its legal
7 officer pursuant to Article 3 (commencing with Section 87300) of
8 Chapter 7 of Title 9 of the Government Code.

9 (2) “County counsel” means the district attorney if there is no
10 county counsel.

11 (3) “Water district” means a water district as defined in Section
12 20200 of the Water Code.

13 *SEC. 7. Section 9500 of the Elections Code is amended to read:*

14 9500. (a) Whenever a school measure qualifies for a place
15 on the ballot, the county elections official shall transmit a copy of
16 the measure to the county counsel or to the district attorney in ~~any~~
17 a county that has no county counsel.

18 (b) The county counsel or district attorney shall prepare an
19 impartial analysis of the measure, showing the effect of the measure
20 on the existing law and the operation of the measure. *The analysis*
21 *shall include a statement indicating that the measure was placed*
22 *on the ballot by the governing board of the district.* The analysis
23 shall be printed preceding the arguments for and against the
24 measure. The analysis shall not exceed 500 words in length.